IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.Rev.Pet.No. 474 of 1999()

CRA.48/1997 of ADDL.SESSIONS COURT, NORTH PARAVUR
CC.46/1993 of JUDL.MAGISTRATE OF FIRST CLASS, NORTH PARAVUR

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REVN. PETITIONER: APPELLANT/PETITIONER

J.A.JOY
THEKKINEDATH VESSAL HOUSE
PARAVOOR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENTS/RESPONDENT

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1. STATE OF KERALA, REPRESENTED BY
   CIRCLE INSPECTOR OF POLICE,
   N. PARAVOOR (CRIME NO.186/91)

2. ASSISTANT ENGINEER
   ELECTRICAL SECTION, CHERAI.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP474/99

ORDER ON CRL.M.P.NO.2054/1999 IN CRL.R.P.NO.474/1999

DISMISSED

21.2.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.474 of 1999

Dated this the 21st day of February, 2007

ORDER

The revision petitioner has sought for setting aside the orders of the courts below declining his prayer under Section 452 of Code of Criminal Procedure, to release to him 212 Kgs. of copper sheets that he was compelled to produce in C.C.46/93. The above were produced as MO1 series. The allegation is that the accused after committing theft of copper conductors sold the same to the revision petitioner and that he converted the same into copper sheets. The court below dismissed the application observing that the accused got acquitted only for want of evidence in the matter and that the records produced showed that PW4/the petitioner herein is a habitual purchaser of stolen goods. It was found that the copper conductors were stolen and the same belonged to the K.S.E.B.

2. I find that just because of the accused got acquitted, it does not mean that the stolen articles allegedly converted into copper sheets can be returned to the appellant. It is contended

that he was ordered by the Circle Inspector of Police to produce the copper sheets. The revision petitioner is a vessels merchant. It is contended by the counsel for the revision petitioner that the copper sheets were purchased by him from A.K.P. Metals and Alloys, Irinjalakuda. In the circumstances, I find that it would be proper to provide an opportunity to the petitioner to establish his case in this regard. In these circumstances, the orders of the courts below is set aside. The court below i.e., J.F.C.M, North Parur is directed to permit the petitioner to adduce evidence to establish his case and dispose of the application filed under Section 452 of Code of Criminal Procedure on merits.

3. The revision petitioner shall appear before J.F.C.M. Court on 20.3.2007. The court below shall dispose of the matter at the earliest at any rate within six months from the date of receipt of a copy of the order of this court.

The Criminal Revision Petition is allowed as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.899 of 2001

ORDER

15th February, 2007